

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 26, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Change of Zone #04034

**PROPOSAL:** From AGR to R-3.

**LOCATION:** Approximately South 66<sup>th</sup> Street and Highway 2

**LAND AREA:** Approximately 37.06 acres.

**CONCLUSION:** Complies with the Comprehensive Plan.

**RECOMMENDATION:**

Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**EXISTING ZONING:** AGR Agricultural Residential

**EXISTING LAND USE:** Residential

**PROPOSED ZONING:** R-3 Residential

### **SURROUNDING LAND USE AND ZONING:**

North:	Residential	AGR
South:	Residential	AGR, R-1
East:	Residential	AGR
West:	Vacant, Commercial	AGR, H-4

### **HISTORY:**

**April 28, 2004** - CPA#04010 to change the land use designation on this site from urban residential to commercial was withdrawn by the applicant.

**July 14, 2003** - CPA#03012 to change the land use designation on this site from urban residential to open space and commercial was withdrawn. It had received a 6-0 vote for denial from the Planning Commission.

**March 26, 2001** - A request to include a change in the land use designation from urban residential to commercial for this site was considered but not adopted as part of the Southeast Lincoln/Highway 2 Subarea Plan.

**May 2, 1994** - CZ#2085 was denied by City Council to change the zoning of this property from AGR to R-3 and B-5.

**May 8, 1979** - The zoning was changed from AA Rural and Public Use to AGR Agriculture Residential with the 1979 Zoning Update.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F23** - This site is designated as urban residential land use in the Land Use Plan.

**Page F27** - Urban Growth Tiers - This site is within the City's Future Service Limit.

**Page F156** - Subarea Planning - By reference the Southeast Lincoln/Highway 2 Subarea Plan is included in the Comprehensive Plan.

#### **Southeast Lincoln/Highway 2 Subarea Plan:**

**Page 6** - Provide effective land use transitions from residential to commercial uses.

**Page 8** - Designates urban residential land use on this site.

**Page 9** - Efficient use of transportation network - Land use decisions must consider the impacts upon the transportation network. The proposed uses are scaled to the capacity of Highway 2 and 84<sup>th</sup> Street and to retain the community's desired Level of Service C. Highway 2 is not only used by local residents, it also serves the community and region.

**Page 10** - Commercial transition - Within commercial areas, office and lower intensity uses along with appropriate buffer areas should be developed as a transition to adjacent residential uses.

**Page 13** - Entryway Corridor - To preserve the entryway corridor, the land use and transportation decisions are equally important as landscaping or architectural standards.

**UTILITIES:** The site can be served by municipal water and sanitary sewer. All other utilities are also available.

**TOPOGRAPHY:** There is a hill along the west edge of the site, with small drainage ways on either side of it flowing from northeast to southwest.

**TRAFFIC ANALYSIS:** Highway 2 is considered a principal arterial in this area, and from South 56<sup>th</sup> Street to South 120<sup>th</sup> Street it is a protected corridor. South 66<sup>th</sup> Street is a local

street extending from Highway 2 to Pine Lake Road, and serves the Country Meadows subdivision.

**ANALYSIS:**

1. The zoning on this site was changed from AA to AGR with the 1979 Zoning Update, and was designated as a Rural Use Area in the 1985 Comprehensive Plan, and as urban residential since then the adoption of the 1994 Comprehensive Plan. This request complies with the Comprehensive Plan.
2. Since CZ#2085 was denied on May 2, 1994, several comprehensive plan amendments have been submitted to change the land use designation on this site from urban residential to commercial. All have either been denied or withdrawn.
3. The impact that development of this site would have upon the neighboring residential uses and upon the transportation system has been a concern. Traffic studies have shown that the South 56<sup>th</sup> Street/Highway 2/Old Cheney Road intersection would be negatively impacted by additional commercial development in the area. The traffic generated by uses allowed in R-3 have been anticipated by traffic studies and can be accommodated by the transportation system.
4. This request is only for a change of zone and does not include a specific development proposal. Uses "by right" are those designated as permitted uses in the R-3 district and include single-family and two-family dwellings with a 6,000 square foot minimum lot area. Any proposal to subdivide the property for such uses will require that a preliminary plat be submitted to the Planning Commission for review at a public hearing. Questions about access, circulation, drainage, and related issues are addressed at that time. Any proposal seeking multiple-family development of this site would require a special permit for a community unit plan (CUP). CUP's allow for site plan review by staff and require a public hearing before the Planning Commission and City Council.
5. No development plan has been submitted, so the western curvilinear line is hopefully based upon a plan.
6. It is highly unlikely that the remaining AGR to the west will be developed with acreage size lots, which begs the question of why all the land is not included in this request.

Prepared by:

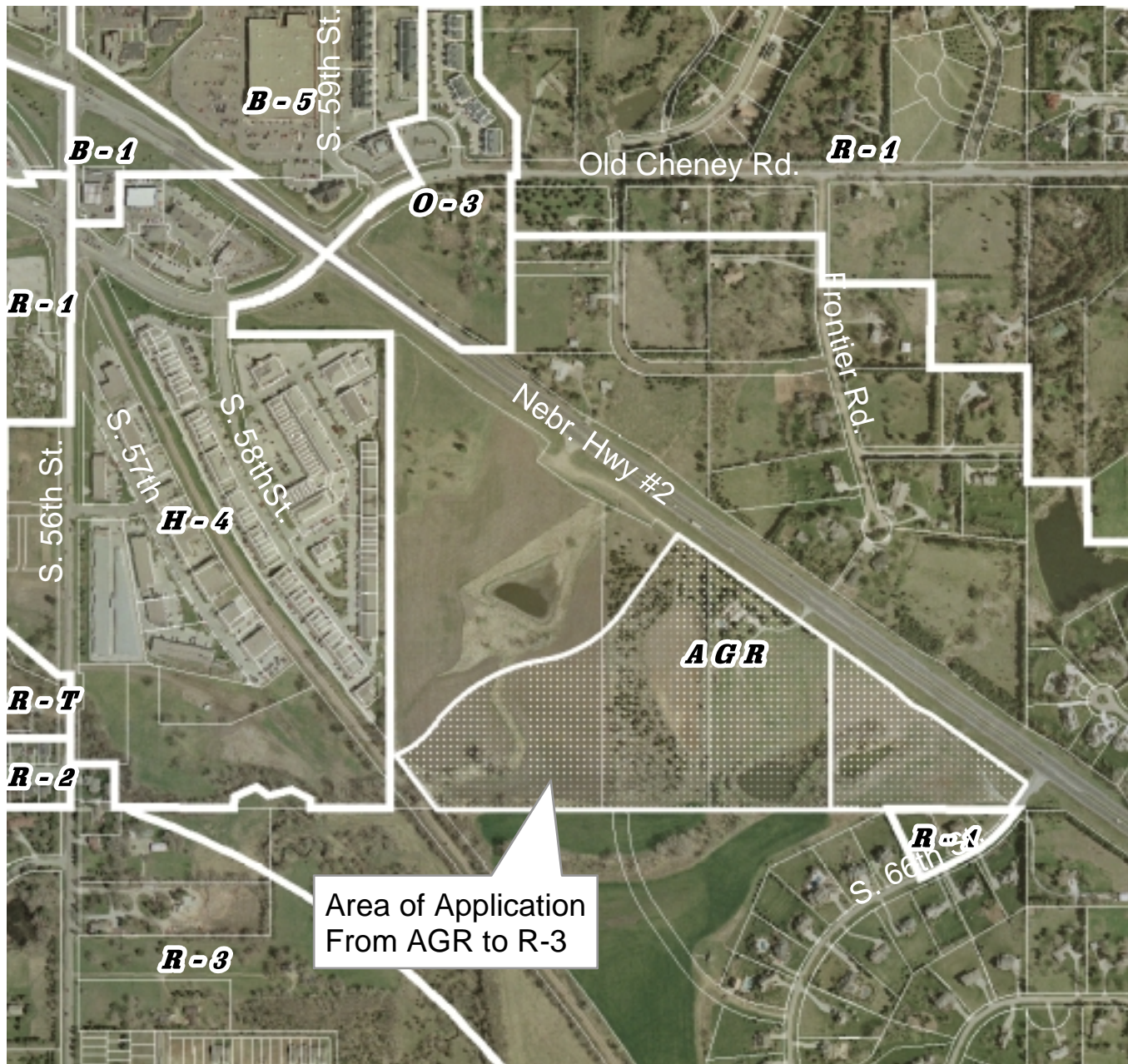
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Brian Will, AICP, 441-6362, [bwill@ci.lincoln.ne.us](mailto:bwill@ci.lincoln.ne.us)  
Planner  
May 12, 2004

**APPLICANT:** Apple's Way, LLC  
1021 N Street Suite 102  
Lincoln, NE 68508  
402.435.0000

**OWNER:** Shopko Stores, Inc.  
c/o Tom Huston  
1900 US Bank Building  
Lincoln, NE 68508-2095  
402.474.6900

**CONTACT:** Mark Hunzeker  
1045 Lincoln Mall Suite 200  
Lincoln, NE 68508  
402.476.7621



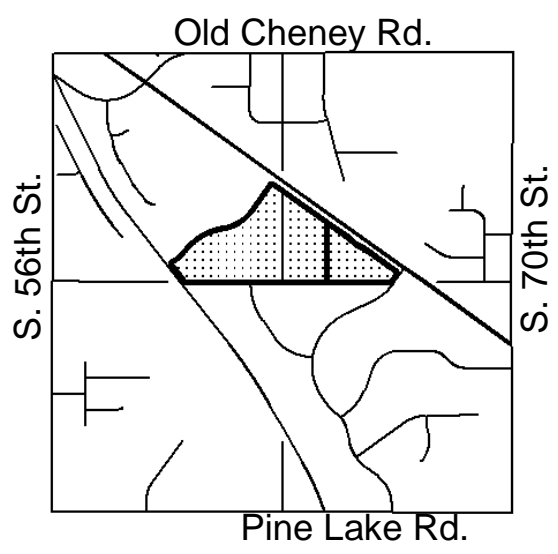
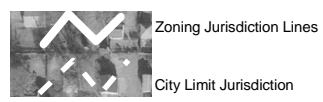
2002 aerial

# Change of Zone #04034 S. 66th & Hwy 2

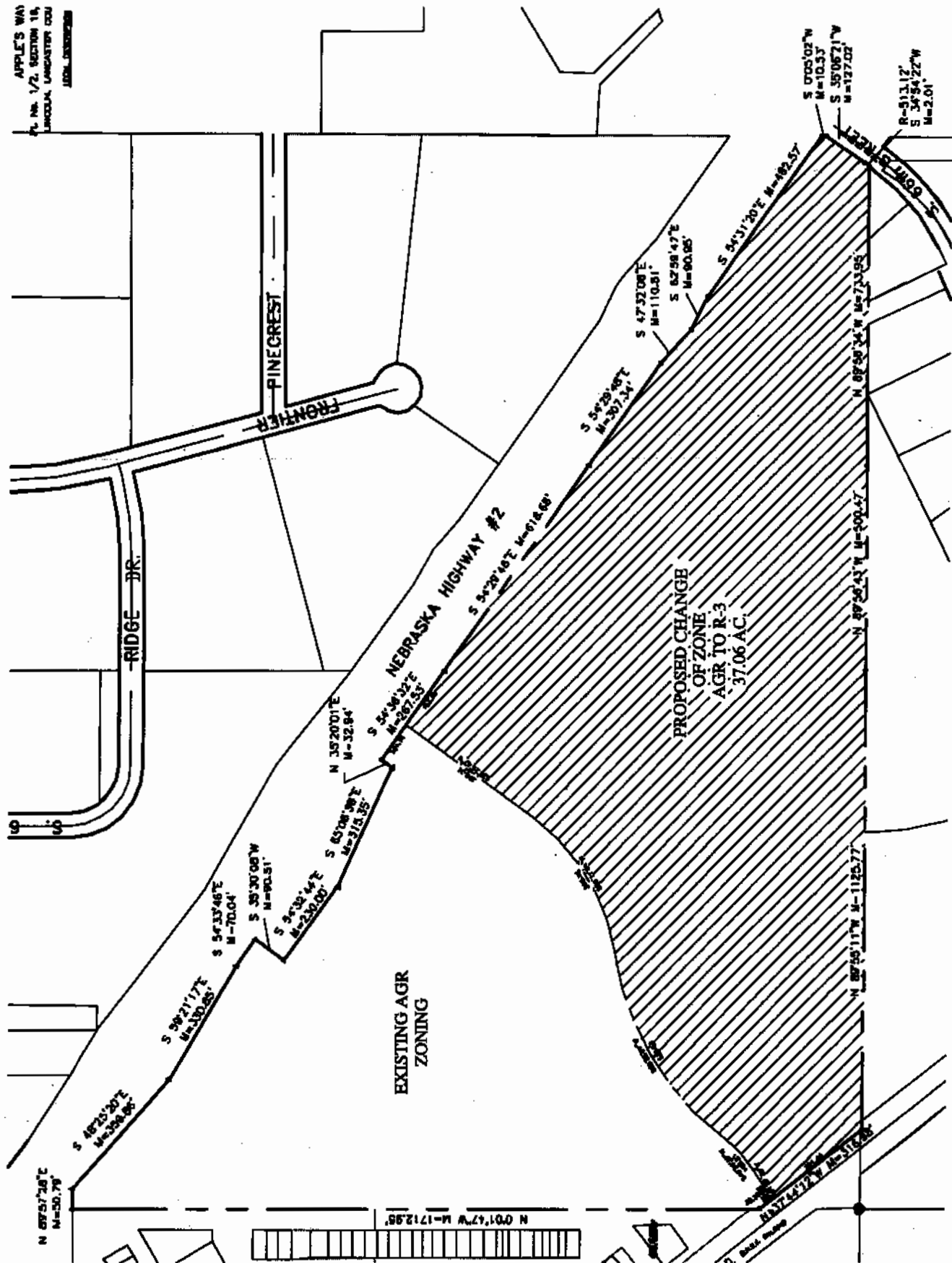
## Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 16 T9N R7E



APPLE'S WAY  
PL. No. 1/2, SECTION 18,  
LINCOLN, LINCOLN COUNTY, COO  
100% INTEREST



**Pierson|Fitchett**  
**LAW FIRM**

1045 Lincoln Mall  
Suite 200  
P.O. Box 95109  
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Jason L. Scott

Gary L. Aksamit  
of Counsel

April 29, 2004

Marvin Krout  
Planning Director  
Lincoln Lancaster County Planning Dept.  
555 S. 10th Street  
Lincoln, NE 68508

Re: Change of Zone from AGR to R-3

Dear Marvin:

Attached is an Application for Change of Zone from AGR to R-3 on a tract containing approximately 37.06 acres along Highway 2 west of South 66th Street. The purpose of the change of zone is to facilitate development of the property in accordance with the Comprehensive Plan, which designates the property "Urban Residential" on the Future Land Use Map.

Sincerely,



Mark A. Hunzeker  
For the Firm

MAH:la  
Enclosure

(G:\WPData\IMH\Apple's Way - Commerical Zoning 5044.003\Krout 4-29-4.ltr.wpd)

APR 29 2004



RECEIVED

MAY - 6 2004

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

## CHANGE OF ZONE AGR TO R-3

A LEGAL DESCRIPTION OF THE REMAINING PORTION OF OUTLOT 'E', COUNTRY MEADOWS AND LOT 36 IRREGULAR TRACT AND A PORTION OF LOTS 88 AND 155 IRREGULAR TRACTS, ALL LOCATED IN THE NORTH HALF OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 123; THENCE ON THE NORTH LINE OF SAID LOT 123, ON AN ASSIGNED BEARING OF N 89°57'28"E, A DISTANCE OF 50.79'; THENCE ON THE SOUTHERLY RIGHT OF WAY LINE OF NEBRASKA HIGHWAY #2, FOR THE NEXT EIGHT (8) COURSES; S 48°25'20"E 359.86'; THENCE S 59°21'17"E 330.85'; THENCE S 54°33'46"E 70.04'; THENCE S 35°30'08"W 90.51'; THENCE S 54°32'44"E 230.00'; THENCE S 65°06'38"E 315.35'; THENCE N 35°20'01"E 32.94'; THENCE S 54°36'32"E 104.14' TO THE POINT OF BEGINNING; CONTINUING ALONG THE SOUTHERLY RIGHT OF WAY LINE OF NEBRASKA HIGHWAY #2 FOR THE NEXT SIX (6) COURSES; THENCE S 54°36'32"E 163.39'; THENCE S 54°29'46"E 618.68'; THENCE S 54°29'48"E 307.34'; THENCE S 47°32'08"E 110.81'; THENCE S 62°59'47"E 90.95'; THENCE S 54°31'20"E 482.57', TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF SOUTH 66th STREET, SAID POINT BEING THE EASTERLY MOST POINT OF SAID REMAINING PORTION OF OUTLOT "E"; THENCE ON THE EASTERLY LINE OF SAID OUTLOT "E" AND THE NORTHERLY RIGHT OF WAY LINE OF SOUTH 66th STREET FOR THE NEXT THREE (3) COURSES; THENCE S 0°05'02"W 10.53'; THENCE S 35°06'21"W 127.02', TO A POINT ON CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 513.12' AND A CENTRAL ANGLE OF 0°13'28"; THENCE ON THE CHORD OF SAID CURVE, S 34°54'22"W 2.01', TO THE SOUTHEAST CORNER OF SAID OUTLOT "E"; THENCE ON THE SOUTH LINE OF SAID OUTLOT "E", N 89°58'34"W 733.95'; THENCE ON THE SOUTH LINE OF SAID LOT 36, N 89°56'43"W 500.47'; THENCE ON THE SOUTH LINE OF SAID



LOTS 88 AND 155, N 89°55'11"W 1125.77', TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 88; THENCE ON SAID SOUTHWESTERLY LINE, N 37°44'12"W 281.60', THENCE N 61°57'20 E 36.03'; TO A POINT OF A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 385.00' AND A CENTRAL ANGLE OF 25°01'26", THENCE ON THE CHORD OF SAID CURVE, N 49°26'37" E 166.81'; TO A POINT ON A REVERSE CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 700.00' AND A CENTRAL ANGLE OF 44°00'26"; THENCE ON THE CHORD OF SAID CURVE, N 58°56'07" E 524.53', TO A POINT ON REVERSE CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 500.00' AND A CENTRAL ANGLE OF 45°30'33", THENCE ON THE CHORD OF SAID CURVE, N 58° 11'04" E 386.78'; THENCE N 35°25'47" E 392.31' TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 37.06 ACRES, MORE OR LESS.